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**By ECF**

October 29, 2021

Hon. Valerie E. Caproni  
United States District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Keil, et al. v. the City of New York, et al.*, Dkt. 21 Civ. 8773;  
*Kane, et al. V. Bill de Blasio, et al.*, Dkt. 20 Civ. 7863

Dear Judge Caproni:

I am an Assistant Corporation Counsel in the office of Georgia M. Pestana, Corporation Counsel for the City of New York, attorneys for the defendants in the above-referenced cases (“*Keil*” and “*Kane*,” respectively). I write for two purposes: (1) to address the October 28, 2021 Order regarding consolidating the above-referenced cases, and (2) to request that the *Keil* matter be stayed pending appeal, as the *Kane* case has been.

First, defendants agree with the Court that the *Keil* and *Kane* matters should be consolidated. They unquestionably “involve . . . common question[s] of law [and] fact” (F.R.C.P. 42(a)), namely the validity and application of the DOE vaccine mandate and, in particular, whether the mandate violates plaintiffs’ Constitutional rights.

Second, defendants request that the *Keil* matter be stayed pending appeal, much as the *Kane* matter has been. The Second Circuit’s ruling on plaintiffs’ appeal of the Court’s decision denying plaintiffs’ Order to Show Cause for a temporary restraining order may affect defendants’ approach to these cases, and thus waiting to respond to the Complaints until after the Second Circuit has ruled would be most efficient and just. F.R.C.P. 1.

Respectfully submitted,

/s/ Amanda C. Croushore  
Assistant Corporation Counsel

Copies to: All counsel of record (by ECF)